

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Hon. Hugh B. Scott

08CR281S

v.

Order

Joseph Tigano III,

Defendant.

_____ Pretrial proceedings were held in this matter on January 21, 2010. Joseph Tigano III (“Tigano”) insists on representing himself in this matter. At the January 21, 2010 pretrial conference, standby counsel for Tigano, advised the Court that she observed behavior on the part of the defendant which called into question whether the defendant is competent to stand trial in this matter. Tigano’s manner and statements during the proceedings call his competency into question. The Court has determined that it is appropriate to have Tigano’s mental competency re-evaluated pursuant to 18 U.S.C. §4241(1).

The Court finds that it is in the best interest of all concerned to have the defendant undergo a psychiatric and/or psychological examination and evaluation and to have a report of such examination and evaluation prepared and filed with the Court.

It is Ordered that defendant Joseph Tigano III undergo a psychiatric or psychological examination and evaluation and that a psychiatric or psychological report be filed with the Court pursuant to the provisions of 18 U.S.C. §4247(b) in order for the Court to make a determination

as to the mental competency of the defendant and his ability to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

It is further Ordered that the U.S. Marshals Service make appropriate arrangements to transport the defendant to a suitable facility as near as practicable to the Western District of New York, as that term is defined in 18 U.S.C. §4242(a)(2) for purposes of being examined and evaluated as described above.

It is further Ordered that the defendant be committed to such facility for a reasonable period of time in order to properly conduct and complete such examination and evaluation, and upon release from such facility, the defendant shall be returned to Buffalo, New York by the U.S. Marshals Service.

It is further Ordered that the government, within ten (10) days of receipt of a copy of the psychiatric or psychological report on the defendant, contact this Court's chambers for purposes of scheduling a status conference on the issue of the defendant's mental competency.

Finally, it is Ordered that the time between January 21, 2010 and the date upon which a hearing to determine the defendant's mental competency is scheduled, shall be excluded for the purposes of the provisions of the Speedy Trial Act, pursuant to 18 U.S.C. §3161(h)(1)(F) and §3161 (h)(8)(A).

So Ordered.

Buffalo, New York
January 21, 2010

/s/ Hugh B. Scott
United States Magistrate Judge
Western District of New York